

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In Re: : Case No. 05-75540  
Jeffrey Francis Howard :  
Deborah Sue Howard : Chapter 13 (Judge Caldwell)  
SSN xxx-xx-6012 :  
SSN xxx-xx-7870 :

**MOTION TO MODIFY DEBTORS' CHAPTER 13 PLAN**

Now comes Frank M. Pees, Chapter 13 Trustee, and requests that the Court enter an Order Modifying Debtors' Chapter 13 Plan. The Trustee requests that the dividend paid to unsecured creditors be increased to 22%. Support for this motion is set forth below.

**MEMORANDUM IN SUPPORT**

Debtors' Chapter 13 plan was confirmed on January 5, 2006, and provides for a dividend of 11% to unsecured creditors. The plan now projects to complete in 32 months because scheduled creditors failed to file a proof of claim and/or filed lower than the scheduled amount.

The Trustee calculates that Debtors' plan can be modified to pay a dividend of 22% in 36 months at the current plan payments.

Accordingly, pursuant to 11 U.S.C. §1329 (a)(1), the Trustee requests that the Court enter an Order increasing the dividend to unsecured creditors in this case to 22%.

Respectfully submitted,

*/s/ Frank M. Pees*  
Frank M. Pees  
Chapter 13 Trustee  
130 East Wilson Bridge Road #200  
Worthington, Ohio 43085  
(614) 436-6700  
fmp007@ch13.org

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In Re: : Case No. 05-75540  
Jeffrey Francis Howard :  
Deborah Sue Howard : Chapter 13 (Judge Caldwell)  
SSN xxx-xx-6012 :  
SSN xxx-xx-7870 :

**NOTICE AND CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing attached request for relief was served this date on the parties whose names and addresses are listed below by regular U.S. mail, postage pre-paid or electronically mailed and for **NOTICE** that the attached request for relief has been filed with the Court. The undersigned will present to the Court a proposed order granting the relief sought unless, within twenty (20) days after this date, a written memorandum in opposition, and request for a hearing on such opposition, is filed with the Court and served on the undersigned.

Dated: September 7, 2006

/s/ Frank M. Pees

Frank M. Pees  
Chapter 13 Trustee  
130 East Wilson Bridge Road #200  
Worthington, Ohio 43085  
(614) 436-6700

**Notice will be electronically mailed to:**

Asst US Trustee (Col)  
ustpregion09.cb.ecf@usdoj.gov

Frank M Pees  
trustee@ch13.org

Samuel L Calig  
caligandhanelman@ameritech.net

**Regular US mail postage pre-paid:**

Jeffrey Francis Howard  
Deborah Sue Howard  
1946 Westfield Drive South  
Columbus, Ohio 43223